

REMARKS

The Final Office Action dated March 10, 2004 has been given careful consideration by the applicants. Claims 1-28, 30-34 remain in the application. Claims 29 and 35 were previously canceled. Reconsideration of the application is hereby respectfully requested.

The Office Action

Claims 16 and 27-28 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. No. 5,923,712 to Leyendecker et al.

Claims 17, 21, 30, 34 and 35 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,920,808 to Jones et al.

Claims 1-3, 8-12, 15, 16, 18, 19, 22-24, 31 and 32 were rejected under 35 U.S.C. §103 as being unpatentable over Jones in view of U.S. Patent No. 5,963,549 to Perkins et al.

Claims 4, 5, 7, 13, 20, 25 and 33 were rejected under 35 U.S.C. §103 as being unpatentable over Jones in view of Perkins and further in view of U.S. Patent No. 6,288,610 to Miyashita.

The Claims are Patentably Distinct over the Cited Patents:

Claims 16 and 27-28 were rejected under 35 U.S.C. §102(e) as being anticipated by the Leyendecker patent. However, as detailed below, Leyendecker does not anticipate these claims.

As previously noted, Leyendecker does not fairly disclose a receiver, as disclosed and claimed, that samples an RF signal. Leyendecker merely discloses a trainer 431 (Figure 4) that reviews the entire frequency spectrum, not samples. The Leyendecker system then performs a waveform analysis, or waveform comparison. The receiver of the present invention allows for an analysis of selected frequency

samples to occur, not a waveform comparison. The receiver of the present embodiments allows the sampling to occur at selected frequencies to measure the RF power in a narrow bandwidth (e.g., page 7, lines 10-25 and page 11, lines 10-14). Again, this is not a waveform comparison. Accordingly, claims 16 and 27-28 -- which recite such a receiver for sampling -- are not anticipated by Leyendecker.

Moreover, as previously asserted, independent claims 16 and 27 recite means-plus-function language. As mandated by statute (i.e., 35 U.S.C. §112, sixth paragraph), the details of the specification must be referenced to interpret these claims. In this regard, it is clear that at least the means for sampling (which samples at selected frequencies to measure power in narrow bandwidths), as disclosed, does not correspond to the teachings of Leyendecker. Leyendecker relates to a waveform analysis, not a spectrum analysis. The Examiners' analysis does not take this distinction into account in his rejection or response to arguments. As such, these claims, and all claims dependent thereon, are allowable.

Claims 17, 21, 30 and 34 were also rejected under 35 U.S.C. §102(e) as being anticipated by the Jones patent. The Examiner's formal rejection takes on substantially the same form as that in the last Office Action. Therefore, the Examiner is referred to the previous amendment for the applicants' response.

In addition, independent claims 17, 21 and 30 now recite a receiver that is tuned to at least one specific frequency to measure RF power over a narrow bandwidth. This is clearly distinguishable over the citations of the Examiner. In this regard, Jones does not disclose a system that includes a receiver operative to obtain samples of signals, as disclosed and claimed in the present embodiment. The system of Jones' patent utilizes a waveform comparison in that it retrieves the entire waveform from the output of the amplifier and compares that waveform to the waveform that is input to the amplifier. The present embodiment has no need to

perform a waveform comparison and/or to analyze the input waveform. Because each of the independent claims 17, 21 and 30 recite the RF sampling features as above, these claims, and all claims dependent thereon (claim 34), are not anticipated by Jones.

Claims 1-3, 8-12, 15, 16, 18, 19, 22-24, 27-29, 31 and 32 were rejected as being obvious over Jones in view of Perkins. Again, the Examiner's formal rejection is in the form of the previous Office Action. Therefore, the Examiner is referred to the previous amendment for the applicants' response.

In addition, independent claim 1 now recites a receiver that is tuned to at least one specific frequency to measure RF power over a narrow bandwidth. Similar to the arguments above, it is clear that Jones does not illustrate a receiver that samples the RF signals as claimed and disclosed in this way. The Jones patent relates to a system that performs waveform comparison, not spectrum analysis. The Examiner points to no portion of Perkins that would cure this deficiency. Therefore, the claims are not rendered obvious by the combination.

In addition, claims 16 and 27 are means-plus-function claims. Therefore, the arguments submitted above with respect to the Leyendecker patent are applicable here. Therefore, the claims are allowable.

Moreover, claim 9 recites a step of sampling to measure RF power at specific frequencies in a narrow bandwidth. This is clearly not fairly taught by the Jones patent, as noted above. Again, the Examiner points to no portion of Perkins that would cure this deficiency.

Accordingly, the claims are not rendered obvious by the suggested combination of Jones in view of Perkins.

Claims 4, 5, 7, 13, 20, 25 and 33 were rejected under the Jones and Perkins combination in further view of Miyashita. However, these claims are all claims

dependent upon claims submitted to be allowable. It is submitted that the addition of Miyashita does not cure the deficiencies of the combination noted above.

CONCLUSION

In view of the foregoing amendments and comments, favorable action is respectfully requested.

Respectfully submitted,

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July 29, 2004
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